

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**JERMERA BAYLOR**

Plaintiff

v.

**NATHANIEL WAY, LLC**

And

**EAGLE ROCK MANAGEMENT, LLC**

Defendants

**CASE NO. 1:21-cv-3296**

**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Nathaniel Way, LLC and Eagle Rock Management, LLC, hereby files this Notice of Removal of the above captioned action in the United States District for the District Court of Maryland from the Circuit Court of Maryland for Baltimore County pursuant to 28 USC 1441, *et seq.* and in support thereof states as follows:

1. On or about November 22, 2021, Plaintiff filed her Complaint in the Circuit Court of Maryland for Baltimore County, MD. A copy of Plaintiff's Complaint is attached hereto as **Exhibit A.**

2. Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC were served with process of Plaintiff's Complaint no earlier than December 2, 2021. As such, the instant Notice of Removal is being filed within the 30-day period prescribed by 28 USC 1446(b).

**GROUND FOR REMOVAL UPON DIVERSITY JURISDICTION**

3. This Court's jurisdiction to hear Plaintiff's claims exists where there is complete diversity of citizenship between the parties and the amount in controversy exceeds the sum or value of \$75,000.00. 28 USC § 1332(a).

4. Pursuant to 28 USC § 1441(a), this Court has removal jurisdiction based upon diversity of citizenship in cases where it would have had original jurisdiction based upon diversity of citizenship subject to the following limitations.

a. Removal jurisdiction predicated upon diversity of citizenship is subject to the limitation that none of the Defendants may be a citizen of the state in which the action is brought. 28 USC § 1441(b).

b. Additionally, diversity of citizenship must exist at the time that the original action was filed as well as at the time the Notice of Removal is filed. *Kieffer vs. Travelers Fire Insurance Co.*, 167 F. Supp. 398, 401 (D. MD. 1958).

c. Finally, all Defendants must consent to the removal. 28 U.S.C. § 1446 (b)(2)(A).

**FACTS IN SUPPORT OF REMOVAL**

5. As set forth in Plaintiffs' Complaint, Plaintiff is a Maryland resident living in Baltimore, Maryland. Thus, upon information and belief, Plaintiffs were citizens of the State of Maryland at the time of the filing of the Complaint, and on information and belief, continue to be citizens of this state.

6. At all times material, Defendant Eagle Rock Management, LLC is a foreign limited liability company duly existing by the virtues and laws of the state of New York.

7. At all times material, Defendant Eagle Rock Management, LLC is a property management company, managing multiple units in multiple locations, including Maryland.

8. At all times material, Defendant Eagle Rock Management, LLC is headquartered at 1670 Old Country Road, Suite 227, Plainview, NY 11803.

9. At all times material, Defendant Nathaniel Way, LLC is a foreign limited liability company duly existing by the virtues and laws of the state of Delaware.

10. At all times material, Defendant Nathaniel Way, LLC is headquartered at 1670 Old Country Road, Suite 227, Plainview, NY 11803.

11. At all times relevant to this case, none of the members of Defendant Eagle Rock Management, LLC are residents of the State of Maryland. *See, e.g., General Technology Applications, Inc. v. Exro Ltda*, 388 F.3d 114 (4th Cir. 2004).

12. The Plaintiffs seek damages in an amount in excess of \$75,000. *See Exhibit A*. Thus, the amount in controversy, without interest and costs exceeds the sum or value of \$75,000 which is the amount specified by 28 USC § 1332(a).

13. As Plaintiffs are citizens of Maryland and the Defendants are citizens of New York and Delaware, complete diversity of citizenship exist between Plaintiffs and Defendants.

14. Accordingly, this Court has original jurisdiction pursuant to 28 USC § 1332(a) and the action is removable from the Circuit Court for Baltimore County pursuant to 28 USC 1441.

### **PROCEDURAL COMPLIANCE**

15. Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC, the two Defendants, are jointly moving for this Removal and thus consent to this removal.

16. Pursuant to 28 USC § 1446(a), copies of process, pleadings and orders served upon Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC are attached as **Exhibit B**.

17. As required by 28 USC § 1446(d), Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC will give written notice to Plaintiff of the filing of this Notice of Removal

and will file a copy of the Notice of Removal with the Circuit Court for Baltimore County. Additionally, simultaneously herewith, Defendants are filing with this Court, a Certification of Filing of Notice of Removal in State Court.

18. Pursuant to Rule 103.5(a) of the Rules of the United States District Court for the District of Maryland, Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC will file within 30 days with this Court copies of all records and proceedings from the Circuit Court for Baltimore County and will file at that time a Certification of Filing of State Court Documents.

19. Pursuant to Rule 103.5(c) of the Rules of the United States District Court for the District of Maryland, Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC will file within seven (7) days with this Court a Disclosure of Affiliations and Financial Interests.

20. Pursuant to Rule 81(c)(2) of the Federal Rules of Civil Procedure, Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC will file within seven (7) days, with this Court, its Answer to Plaintiffs' Complaint.

WHEREFORE, Defendants Nathaniel Way, LLC and Eagle Rock Management, LLC requests that this action be removed to this Court from the Circuit Court for Baltimore County and that it proceed in this Court as an action properly removed.

Respectfully submitted,

**NATHANIEL WAY, LLC  
AND  
EAGLE ROCK MANAGEMENT, LLC**

By Counsel:

*/s/ Elias G. Saboura-Polkovotsy*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 28th day of December 2021, copy of the foregoing was served by first-class mail, postage prepaid on the attorneys listed below:

Eric T. Kirk, Esq. (CPF#0712200005)

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**CERTIFICATE OF SERVICE FOR DOCUMENTS FILED USING CM/ECF**

I hereby certify that on December 28, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will then send notification of such filing (NEF) to the following:

Eric T. Kirk, Esq. (CPF#0712200005)  
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*/s/ Elias G. Saboura-Polkovotsy*

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